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Advancing Justice

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TESTIMONY OF RAPHAEL L. PODOLSKY

Housing Committee public hearing – March 10, 2022

S.B. 291 – Family and child day care homes — SUPPORT

This bill will make a difference in the lives of children and their parents by expanding the availability of low-cost convenient licensed in-home day care. This both allows the child's parent to work and provides employment for the day care provider. Existing law -- Sections 8-2 and 8-30j of the Connecticut statutes -- explicitly prohibits zoning laws from discriminating against licensed in-home day care, both as to "family" child care (1 to 6 children) and "group" child care (7 to 12 children). S.B. 291 strengthens the language of the zoning sections, while prohibiting landlords from blocking tenants from providing licensed family day care in their apartments. State licensing and inspection assure that such units are appropriate in size and condition for the number of children authorized. As drafted, the bill also allows landlords to charge an additional security deposit to group home child care operators (**Recommended amendment**: This provision should be capped at one month's rent). We support the bill.

S.B. 296, S.B. 297, S.B. 301, H.B. 5344, H.B. 5345, H.B. 5347 — OPPOSE

- **Removal of tenant possessions after an eviction (S.B. 296 and S.B. 297)**: Tenants who are physically evicted lose their apartments or homes but are not supposed to lose all of their possessions. The law requires that possessions be secured by a neutral entity (the marshal), be held by a neutral entity (the town) with an opportunity for the tenant to reclaim them, and ultimately be auctioned by a neutral entity (the town) if unclaimed. S.B. 296, a bill that is truly cruel to those with the least capacity to protect their property, requires that the tenant's possessions be left at the curb to be scavenged by passersby, destroyed by the weather, or seized or thrown away by the landlord. S.B. 297 allows the landlord to force the tenant back into court 30 days after an eviction to get an "order of payment" from the court. This appears to be little more than post-judgment harassment, since existing law already makes the tenant liable for these costs, which would ordinarily be enforced by a small claims or civil suit in conjunction with any other claim that the landlord may have (e.g., unpaid rent). There is no need for the proceeding proposed in S.B. 297. We oppose both bills.
- **Security deposits (H.B. 5344 and H.B. 5345):** These bills, which we oppose, repeal the two-month limit on security deposits (and the one-month maximum for seniors), thereby allowing landlords to demand any dollar amount of security whatsoever. Since the current maximums are in addition to the first month's rent, a tenant can already be required to come up with a three-month payment in order to move in – itself an amount higher than in some other states. Imposing even higher moving-in charges would make it almost impossible for many tenants to find an apartment, with a particularly adverse impact on low-income workers. It would also creates an easy cover for discrimination, since an excessively high deposit allows landlords to use it to turn down applicants they

don't "like" while reducing the deposit for ones they do like. Whether intended or not, it makes racial discrimination particularly easy.

- **Discrimination based on erased criminal records (H.B. 5347)**: P.A. 21-32 (Clean Slate) allowed for the erasure of criminal records for tenants who have not re-offended (three years for misdemeanors, seven years for certain felonies) and prohibited landlords from discriminating based on an erased record. Since the record will not show up in a screening search, the landlord would not know about it. H.B. 5347 would repeal the anti-discrimination provisions of P.A. 21-32, apparently so as to allow landlords to require applicants to disclose convictions that by law have been erased. This clearly undermines the Clean Slate Act. We oppose this bill.
- **UniteCT payment pilot (S.B. 301)**: There is a certain irony to this bill, which proposes a pilot program to reimburse landlords who applied for UniteCT but were denied "solely due to lack of tenant participation." One of the major problems with UniteCT was not lack of tenant participation but the refusal of many landlords to accept arrearage payments (and therefore to participate in UniteCT) – even when payments of $10,000 to $15,000 range were available – because they preferrd to evict the tenant. Representing tenants in the housing courts, legal aid lawyers were told numerous times by attorneys for landlords that their clients would not agree to settle an eviction by accepting UniteCT money, sometimes informing UniteCT almost immediately upon tenant application so as to try to accelerate eviction. The Department of Housing has analyzed incomplete applications and reported that most failure to cooperate with UniteCT was by landlords, not by tenants. It should also be recognized, however, that, in many instances, the inability to complete an application was the fault of neither the landlord nor the tenant but rather the result of the complexity of the application system itself, which sometimes left both parties at a loss as to what to do next. Retroactive assessment now of why an application was not completed months ago is nearly impossible. With UniteCT closed to new applicants, any funds which may become available in the future ought to be directed to new applicants. We oppose this bill.

S.B. 294 – Protection for victims of domestic violence SUPPORT

Victims of domestic violence who have obtained protective orders to remove an abuser or to keep the abuser away from the victim's residence have sometimes faced eviction because of the past history of victim abuse, even though the abuser is now no longer present and is subject to a stay-away or no-contact court order. Evictions because of those past disruptions pose yet another penalty on the innocent victim. S.B. 294 prevents the landlord from evicting or otherwise penalizing the victim because the misconduct of the abuser has placed the tenancy in jeopardy. (**Recommended amendment**: The word "solely" should be deleted in line 11 and the phrase "evidence, including but not limited to" should be inserted in line 17).

S.B. 293 and S.B. 300 – Studies of excessive rents

These bills propose studies of excessive rent increases, rent control, fair rent commissions, and increase in affordable housing opportunities. We are facing a period of runaway inflation in rents, driven in part by purchases by out-of-state investors with little

interest in addressing real housing needs in Connecticut. The most important bill before the Committee to address this issue is H.B. 5205, which would require larger towns to have fair rent commissions. There is a long history of these commissions and no need for further study before expanding their use. It is therefore important that these S.B. 293 and S.B. 300 not be viewed as alternatives to expanding the only system that we already have. We do not object to studies of possible additional options, such as rent control, or to long-term evaluations of fair rent commissions; but they should not be allowed to substitute for the action this year of adopting H.B. 5205, which is a critically important bill at this very time.

H.B. 5204 – Regional fair share housing allocation SUPPORT

This bill requires the Office of Policy and Management, with broad-based input, to establish and implement a methodology for determining the minimum need for affordable housing units in each planning region, fairly allocating their development by town, and putting in place systems to assure implementation. The concept is based on New Jersey's fair share housing law, where it has been effective in generating many new housing units in a way that opens housing choice in a large range of areas. It is important that any fair share program include strong elements of affordability and income diversity and that it be designed to work in conjunction with other statutes and programs that promote regional housing integration and affordable housing. We support the bill.